

10/559954

Bayer 

FAX TRANSMISSION COVER SHEET
TELEPHONE 203-812-2712
FAX 203-812-5492

To: Mr. Winston M. Alvarado	From: William F. Gray
Fax: (571) 270-9878	Pages: 6 including cover
Phone (703) 308-9140 ext. 206	Date: 29 December 2006

Transmitted herewith are

1. a response to a Notice of Defective Response
2. a copy of the required PCT form 306
3. a copy of the Notice of Defective Response

If you have any problems with the attached facsimile call (203) 812-2712

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT THE PRIVILEGED OR CONFIDENTIAL NATURE OF THIS MESSAGE IS NOT WAIVED BY INADVERTENT DISCLOSURE. ANY DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

In the United States Patent and Trademark Office

Appl. No.: 10/559,954 Confirmation No. 1485
Applicant(s): Hendrix, et al.
Filed: 8 December 2005
TC/A.U.: NA
PTO officer: Winston M. Alvarado)

Docket No.: LeA 36784
Customer No.: 35969

CERTIFICATION OF TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any papers referred to in this certificate as being attached, are being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

Date: 29 Dec. 2006

William F. Gray
William F. Gray

Response to Notice of Defective Response

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Mr. Alvarado:

The notice of Defective Response mailed 11/28/2006 stated that the inventor whose first name is Dagmar has a last name which does not correspond to the name on the published PCT application, and that there is no form 306 in the PTO record.

I talked with you about this on 4 December 2006, and you informed me that I only needed to submit the form 306 to respond. I thought I had done this, but just realized that I had

misplaced the file and had not sent the form 306 by the response date of 28 December 2006. I request that you accept the form 306 which is being faxed with this communication, despite its being one day late. If this is not possible, please call me at (203) 812-2712 to inform me what I must do now to make a proper response.

Respectfully submitted,

William F. Gray

Reg. No. 31018
Phone: (203) 812-2712
Date: 29 December 2006

William F. Gray
Bayer Pharmaceuticals Corporation
400 Morgan Lane
West Haven, CT 06516-4175

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

BAYER HEALTHCARE AG
Law and Patents, Patents and
Licensing
51368 Leverkusen
Germany

Date of mailing (day/month/year)
18 November 2005 (18.11.2005)

Applicant's or agent's file reference LEA36784-WO	IMPORTANT NOTIFICATION
International application No. PCT/EP2004/006477	International filing date (day/month/year) 16 June 2004 (16.06.2004)

1. The following indications appeared on record concerning:				
<input checked="" type="checkbox"/> the applicant	<input checked="" type="checkbox"/> the inventor	<input type="checkbox"/> the agent	<input type="checkbox"/> the common representative	
Name and Address SCHAUB, Dagmar Mittelstr. 36 42697 Solingen Germany		State of Nationality DE	State of Residence DE	
		Telephone No.		
		Facsimile No.		
		Teleprinter No.		

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:				
<input type="checkbox"/> the person	<input checked="" type="checkbox"/> the name	<input type="checkbox"/> the address	<input type="checkbox"/> the nationality	<input type="checkbox"/> the residence
Name and Address KARTHAUS, Dagmar Mittelstr. 36 42697 Solingen Germany		State of Nationality DE	State of Residence DE	
		Telephone No.		
		Facsimile No.		
		Teleprinter No.		

3. Further observations, if necessary:				
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4. A copy of this notification has been sent to:				
<input checked="" type="checkbox"/> the receiving Office	<input checked="" type="checkbox"/> the designated Offices concerned			
<input type="checkbox"/> the International Searching Authority	<input type="checkbox"/> the elected Offices concerned			
<input type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:			

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Brigitte WYSS
Facsimile No. (41-22) 338.70.80	Telephone No. (41-22) 338 8366

Form PCT/IB/306 (March 1994)

008854075



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/559,954	Martin Hendrix	Le A 36 784
		INTERNATIONAL APPLICATION NO.
		PCT/EP04/06477
35969 JEFFREY M. GREENMAN BAYER PHARMACEUTICALS CORPORATION 400 MORGAN LANE WEST HAVEN, CT 06516	LA. FILING DATE	PRIORITY DATE
	06/16/2004	06/25/2003
CONFIRMATION NO. 1485		
371 FORMALITIES LETTER		
 *OC000000021358600*		

*4/28/2006
Defective*

Response

Date Mailed: 11/28/2006

Deadline

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 12/08/2005
- English Translation of the IA filed on 12/08/2005
- Copy of the International Search Report filed on 12/08/2005
- Preliminary Amendments filed on 12/08/2005
- Information Disclosure Statements filed on 12/08/2005
- Oath or Declaration filed on 09/28/2006
- Request for Immediate Examination filed on 12/08/2005
- U.S. Basic National Fees filed on 12/08/2005
- Priority Documents filed on 12/08/2005
- Specification filed on 12/08/2005
- Claims filed on 12/08/2005
- Abstracts filed on 12/08/2005

Applicant's response filed 09/28/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 03/30/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
 - Inventor Dagmar last name on the declaration does not correspond with the name on the published application. In addition, I do not have an IB Form 306 indicating any changes.

Applicant is required to complete the response within a time limit of **ONE MONTH** from the date of this

Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.htm>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/559,954	PCT/EP04/06477	Le A 36 784

FORM PCT/DO/EO/916 (371 Formalities Notice)

FAX 571 270 9878